

EPA APPROVED

**Withdrawal of the
Total Maximum Daily Load for
Chronic Dissolved Aluminum on
Whitewater Creek**



**NEW MEXICO ENVIRONMENT DEPARTMENT
SURFACE WATER QUALITY BUREAU**

April 27, 2018

Prepared by

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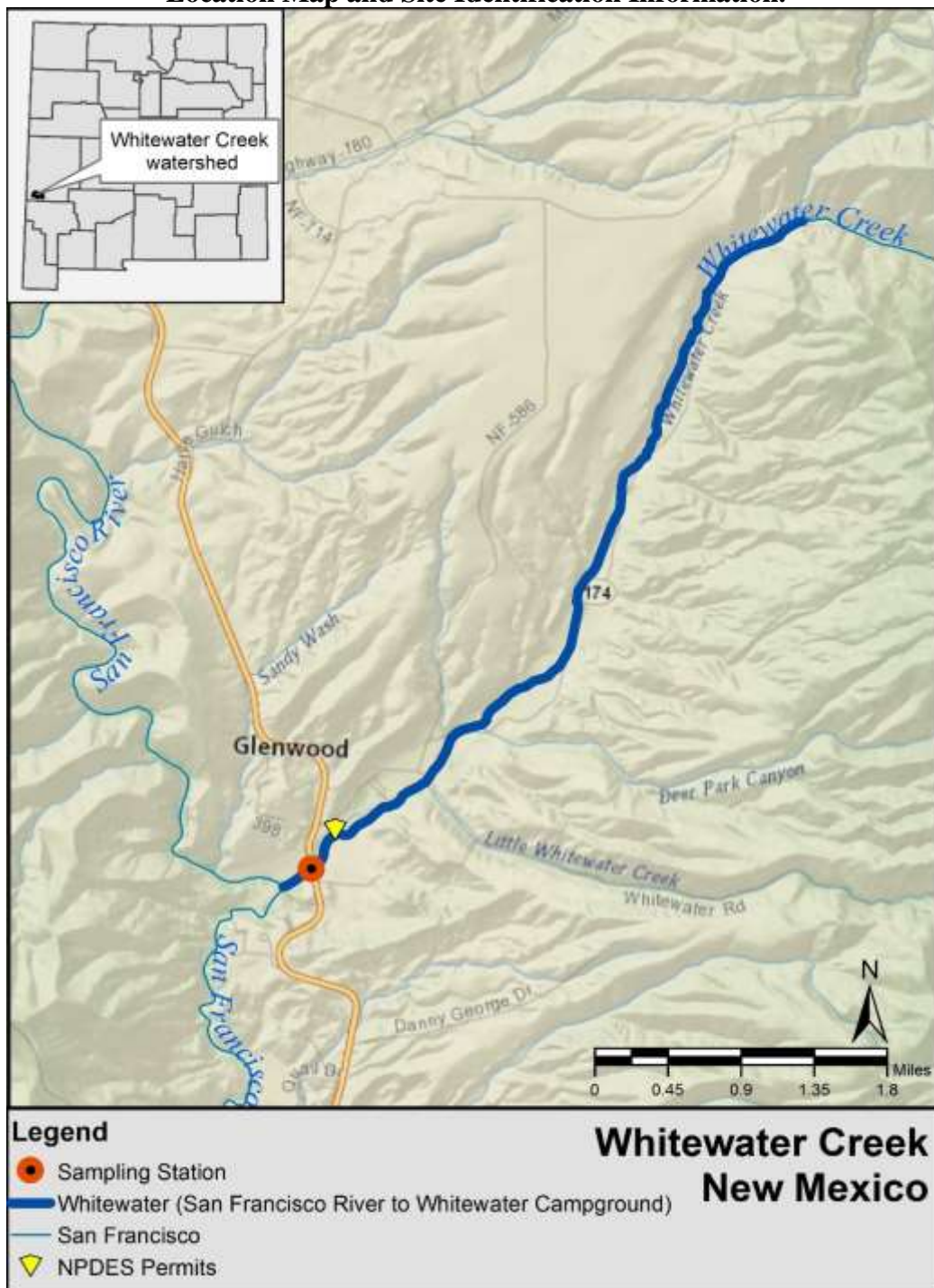
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For additional information please visit:

<https://www.env.nm.gov/surface-water-quality/>

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Location Map and Site Identification Information.



Assessment Unit and ID	NM-2603.A_10 Whitewater Creek (San Francisco River to Whitewater Campground)
Sampling Station and ID	80Whitew000.5 Whitewater Creek at Glenwood above San Francisco River.
Assessment Unit Length	5.68 Miles
Geographic Location	San Francisco USGS HUC 15040004
NPDES permit and ID	NM0030163 NMG&FD/Glenwood Fish Hatchery

Summary

The New Mexico Environment Department (NMED) Surface Water Quality Bureau (SWQB) requests the withdrawal of the 2001 Whitewater Creek (Whitewater Creek from the mouth of the San Francisco River to Whitewater Campground) Dissolved Aluminum Total Maximum Daily Load (TMDL) from the New Mexico Statewide Water Quality Management Plan and Continuing Planning Process (WQMP/CPP).

The request for the withdrawal is due to two factors:

1. The recent adoption by the New Mexico Water Quality Control Commission (WQCC), and subsequent approval by the United States Environmental Protection Agency (USEPA) of a hardness-dependent standard for total recoverable aluminum in place of the former standard for dissolved aluminum into New Mexico's *Standards for Interstate and Intrastate Surface Waters* (20.6.4 NMAC).
2. The availability of recent survey data which allowed for an assessment under the new hardness- dependent total recoverable aluminum standard.

Background

Whitewater Creek (Whitewater Creek from the mouth of the San Francisco River to Whitewater Campground), Assessment Unit (AU) NM-2603.A-10, has historically been impaired for chronic dissolved aluminum (chronic Al). Samples taken within this AU initially identified exceedences for chronic Al in the summer and fall of 1996. The AU was then listed as impaired on the 1996-1998 Clean Water Act (CWA) §303(d)/§305(b) Integrated List & Report. The AU retained chronic Al as a cause of non-support for aquatic life use on the 1998 and 2000 sampling periods.

In 2001, the TMDL for Chronic Dissolved Aluminum for Whitewater Creek (Whitewater Creek from the mouth of the San Francisco River to Whitewater Campground) was created. The TMDL determined a wasteload allocation (WLA) of zero to the New Mexico Game & Fish Department (NMG&FD)/Glenwood Fish Hatchery, National Pollutant Discharge Elimination System (NPDES) permit NM0030163. This TMDL was approved by the WQCC and by USEPA in 2002.

During the 2009-2010 triennial review of standards for interstate and intrastate surface waters, SWQB proposed to replace the dissolved aluminum Water Quality Criteria (WQC) for aquatic life with hardness- dependent total recoverable aluminum WQC. The WQCC approved the hardness- dependent total recoverable aluminum WQC on October 14, 2010, and USEPA approved it on June 18, 2012, for surface waters with pH > 6.5.

The total recoverable aluminum samples collected during the 2011 San Francisco River water quality survey did not exceed the new hardness- dependent total recoverable aluminum WQC in the Whitewater Creek (San Francisco River to Whitewater Campground) AU. This AU was then listed for full support of aquatic life use in the 2014-2016 CWA §303(d)/§305(b) Integrated List.

Requirements and Guidance for TMDL Withdrawal

Both USEPA guidance and the New Mexico WQMP/CPP provide for the withdrawal of TMDLs. The March 22, 2012 USEPA guidance titled “Consideration for Revising and Withdrawing TMDLs” states the following:

In some circumstances, however, a State may want to withdraw a TMDL to reduce any confusion for permit writers or stakeholders, but it is at the State’s discretion. At least three scenarios could prompt a desire for TMDL withdrawal:

...

3. EPA approves a State’s revised water quality criteria or water quality standard leading to a determination that the water body is no longer impaired. Under the circumstances implementation of the WLA in the TMDL based on the old criteria may lead to permit effluent limits more stringent than necessary under the new criteria. When withdrawing such TMDLs, States should notify EPA and provide public notice of the withdrawal. One option would be for the withdrawal to occur at the same time the State establishes its next 303(d) list. However, if the water body remains impaired under the new water quality standard, the TMDL should remain in place. The State may withdraw the TMDL if it chooses to develop a TMDL revision and EPA approves the revised TMDL; however, it is not necessary to withdraw the TMDL.

Section IV-C of the 2011 New Mexico WQMP/CPP states the following:

“TMDLs may be revised as necessary...based on changes to water quality standards or other factors influencing the TMDL calculation or distribution between the WLA and LA in the TMDL. TMDLs may be removed from the WQMP with WQCC approval if the waterbody is no longer impaired.”

The situation for the Whitewater Creek (Whitewater Creek from the mouth of the San Francisco River to Whitewater Campground) Dissolved Aluminum TMDL is consistent with the scenario for withdrawal outlined in the USEPA guidance described above as well as the provision for withdrawal provided in the New Mexico WQMP/CPP.

Public Participation

Table XIV-1 in the New Mexico WQMP requires a 30-day public comment period and a public meeting in the affected watershed for all TMDL processes (NMED 2011). The 30-day public comment period opens on November 20, 2017 and closes on December 22, 2017. A public meeting was held on November 29, 2017, from 4:30-6:30 p.m., MST at the NMED Silver City Office, 3082 32nd Street Bypass, Suite D, Silver City, New Mexico, 88061. No public comments were received. SWQB received WQCC approval of the Whitewater Creek (Whitewater Creek from the mouth of the San Francisco River to Whitewater Campground) TMDL withdrawal proposal on March 13, 2018. Upon approval by the WQCC, the proposal will be forwarded to USEPA Region 6 Offices in Dallas, Texas for final review.

Conclusions

The new hardness- dependent standard for total recoverable aluminum replaced the previous standard for dissolved aluminum. In the case of Whitewater Creek, the 2011 survey aluminum data was assessed and did not exceed the new aluminum hardness- dependent standard. Based on the current standard and the latest survey data indicating full support for total recoverable aluminum, the 2001 Whitewater Creek (Whitewater Creek from the mouth of the San Francisco River to Whitewater Campground) Dissolved Aluminum TMDL should be withdrawn.

References

New Mexico Administrative Code (NMAC). 2017. State of New Mexico Standards for Interstate and Intrastate Surface Waters. New Mexico Water Quality Control Commission. As amended through August 11, 2017. (20.6.4 NMAC)

Available at: <https://www.env.nm.gov/surface-water-quality/wqs/>

New Mexico Environment Department/Surface Water Quality Bureau (NMED/SWQB). 1996. 1996-1998 CWA §303(d)/§305(b) Integrated List & Report.

Available at: <https://www.env.nm.gov/swqb/303d-305b/>

———.2001. Total Maximum Daily Load for Chronic Aluminum on Whitewater Creek.

Available at: <https://www.env.nm.gov/swqb/TMDL/List/>

———. 2011. Statewide Water Quality Management Plan and Continuing Planning Process (WQMP/CPP). <https://www.env.nm.gov/swqb/Planning/WQMP-CPP/>

United States Environmental Protection Agency (USEPA). 2012. Consideration for Revising and Withdrawing TMDLs.

Available at: <https://www.epa.gov/tmdl/draft-considerations-revising-and-withdrawing-tmdls>

APPENDIX A PUBLIC COMMENTS

There were no public comments submitted for the “Withdrawal of the Total Maximum Daily Load for Chronic Dissolved Aluminum on White Water Creek.”